

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

CHIWEZE IHUNWO,

Defendant.

M.B.D. Case 20-91665-FDS

ASSENTED-TO MOTION TO EXTEND TIME WITHIN WHICH
INDICTMENT OR INFORMATION MUST BE FILED

The United States of America hereby respectfully moves the Court for an Order, pursuant to 18 U.S.C. § 3161(b), that extends the time within which an indictment or information must be filed in the above-captioned case until January 26, 2021.

In support of the motion, the government states as follows:

1. Chiweze Ihunwo (the “Defendant”) has been charged via criminal complaint with one count engaging in the business of dealing firearms without a license in violation of 18 U.S.C. § 922(a)(a). *See* 1:20-mj-05398-JGD.

2. The Defendant was arrested on November 12, 2020. On November 17, 2020, with the agreement of the parties, Hon. Judith G. Dein, U.S. Magistrate Judge, released the Defendant on various conditions, including a curfew.

3. On November 20, 2020, the government provided various records to the defense as voluntary early discovery in this case.

4. Undersigned counsel had planned to present this case to the grand jury on December 8, 2020. However, someone with whom counsel has recently been in close contact is presently awaiting COVID test results, and undersigned counsel seeks to avoid being in the

courthouse until those results are known. As such, undersigned counsel has cancelled the time that he reserved in the grand jury for December 8, 2020.

5. The government has consulted with defense counsel in this case, who has assented to this motion.

6. The government submits that the delay resulting from the extension of time for filing an indictment or information serves the ends of justice and outweighs the best interest of the public and the defendant in a speedy trial.

7. Accordingly, the government asks the Court to enter an Order, pursuant to 18 U.S.C. § 3161(b), that extends the time within which an indictment or information must be filed in the above-captioned case for approximately 45 days, until January 26, 2021.

8. The government also asks the Court to exclude the time period from December 13, 2020 through and including January 26, 2021, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the U.S. District Court for the District of Massachusetts, on the ground that the ends of justice served by granting the requested continuance and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial.

Respectfully submitted,

ANDREW E. LELLING
United States Attorney

By: /s/ William F. Abely
WILLIAM F. ABELY
Assistant U.S. Attorney

Date: December 7, 2020

Rule 7.1 Certification

I certify that I have conferred with opposing counsel and have attempted in good faith to resolve or narrow the issue.

/s/ William F. Abely
William F. Abely
Assistant United States Attorney

Date: December 7, 2020

Certificate of Service

I hereby certify that I shall provide a copy of this document to the registered counsel for the Defendant.

/s/ William F. Abely
William F. Abely
Assistant United States Attorney

Date: December 7, 2020